IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3025 of 2005

Between:

A.S.L.V.S. Subramanyam, S/o. Satyanarayana,
Director of Local Fund Audit, R/o. 40-3/1-50, Krishna Nagar, Labbipet,
Vijayawada - 520 010.

..... PETITIONER

AND

1. Government of Andhra Pradesh, Rep. by its Principal Secretary,

Finance & Planning, Department, Secretariat, Hyderabad.
2 Director (FAC), Local Fund Audit, Government of Andhra Pradesh,

Hyderabad.
3. Sri K. Pichayya, S/o. and aged not Known to the Petitioner,
Through R2 Driector (FAC), Local Fund Audit,

Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or orders or a direction more particularly in the nature of Writ of Certiorari calling for the records pertaining to the judgment of the Hon'ble Tribunal in O.A. No. 658/2000, dated 13th December, 2004 and also records pertaining to Memo. No. 10183/250/A1/Admn.II/99, dated 23-8-99 of the first respondent as well as Service registers of the petitioner and Sir K. Pitchayya i.e., 3rd respondent herein

and quash the same by declaring the action of the respondents as illegal, arbitrary, contrary to law much less discriminative in nature and consequently directing the first respondent to revise the seniority of the petitioner over and above the third respondent in the category of District inspector and consequently promotions by fixing notional pay, monitory benefits and there by revising the pension and pensionery benefits, or alternatively set aside the order or the Hon'ble Tribunal in its judgment dt. 13-12-2004 in O.A. No. 658 of 2000 by remitting the same for fresh disposal of the same after calling for the records, in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.M.V.RAJA RAM

Counsel for the Respondents 1 & 2: GP FOR FINANCE & PLANNING

The Court made the following:

ORDER: (Per Hon'ble Sri Justice G. Bikshapathy)

The writ petition is filed by the petitioner assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.658 of 2000 dated 13.12.2004.

2. The petitioner is the applicant, who is aged about 82 years. He filed a claim before the Tribunal to call for the records pertaining to the Memo No.10183/250/A1/Admn.II/99, dated 23.08.1999 of the first respondent as well as Service Registers of the applicant and K. Pitchayya, 3rd respondent and consequently directing the first respondent to revise the seniority of the applicant over and above the third respondent in the category of District Inspector and consequent promotions by fixing notional pay, monitory benefits etc. The Tribunal considered the said O.A., and dismissed on two grounds. One is that the Tribunal passed an order on earlier occasion in R.P.686 of 1977 constitutes *res* judicata, and the other is that even on merits also, no case was made out by the applicant. Against the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the Tribunal has not properly appreciated the matter in a proper perspective and that the findings recorded by the Tribunal with regard to the constitution of *res judicata* and no case was made out by the applicant even on merits also, are not correct and it requires reconsideration before this Court.

4. We have heard the learned Government Pleader.

5. The only question that arises for consideration is whether the petitioner is entitled for the benefit as prayed for.

6. Admittedly, for the very same relief, he filed R.P.No.686 of 1977 and the same was dismissed in view of the laches on the part of the applicant and that order became final and he cannot carry the matter before the Higher Tribunal or Higher Courts. Therefore, for the very same relief, he cannot be allowed to agitate the same in a separate O.A., which is filed in 2000. On that ground, we do not find any flaw in the order of the Tribunal. Even on merits also, the findings recorded by the Tribunal, cannot be said to be illegal or contrary to law.

7. Viewed from any angle, we do not find any ground to interfere with the order of the Tribunal.

8. Accordingly, the writ petition is dismissed. No costs.

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(G. BIKSHAPATHY, J)

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(P.S. NARAYANA, J)

Date: 02.03.2005.

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Government of Andhra Pradesh,

Finance & Planning, Department, Secretariat, Hyderabad.
2 The Director (FAC), Local Fund Audit,

Government of Andhra Pradesh,

Hyderabad.
3. The Assistant Registrar, A.P. Administrative Tribunal, Hyderabad.

4. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

*Form-NIC-OGS/WP{**SPJS**}*